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6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Petition to Revoke Probation
11 Against:

12 DIANE LOUISE CAMERON
16271 Jackson Drive
13 Fontana, CA 92336
Registered Nurse License No. 548726

14 Respondent.
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Case No. 2005-88

**PETITION TO REVOKE
PROBATION**

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17 Complainant alleges:

18 PARTIES

- 19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Petition to
20 Revoke Probation solely in her official capacity as the Executive Officer of the Board of
21 Registered Nursing (Board), Department of Consumer Affairs.
- 22 2. On or about October 8, 1998, the Board issued Registered Nurse License
23 Number 548726 to Diane Louise Cameron (Respondent). The Registered Nurse License was in
24 effect at all times relevant to the charges brought herein and will expire on September 30, 2008,
25 unless renewed.
- 26 3. In a disciplinary action entitled "In the Matter of Accusation Against
27 Diane Louise Cameron," Case No. 2005-88, the Board issued a decision, effective March 13,
28 2006, in which Respondent's Registered Nurse License was revoked. However, the revocation

1 was stayed and Respondent's license was placed on probation for a period of three (3) years with
2 certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated
3 by reference.

4 JURISDICTION

5 4. This Petition to Revoke Probation is brought before the Board under the
6 authority of the following laws. All section references are to the Business and Professions Code
7 unless otherwise indicated.

8 STATUTORY PROVISIONS

9 5. Section 118, subdivision (b) of the Code provides that the
10 suspension/expiration/surrender/cancellation of a license shall not deprive the Board of
11 jurisdiction to proceed with a disciplinary action during the period within which the license may
12 be renewed, restored, reissued or reinstated.

13 6. Section 2750 of the Code provides, in pertinent part, that the Board may
14 discipline any licensee, including a licensee holding a temporary or an inactive license, for any
15 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

16 7. Section 2761 of the Code authorizes the Board to take disciplinary action
17 against a licensed nurse for unprofessional conduct (subdivision (a) of section 2761) or violating
18 any provision or term of the Nursing Practice Act or regulations adopted pursuant to it
19 (subdivision (d) of section 2761).

20 8. Section 2762 of the Code states:

21 "In addition to other acts constituting unprofessional conduct within the meaning
22 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed
23 under this chapter to do any of the following:

24 "(a) Obtain or possess in violation of law . . . , or except as directed by a licensed
25 physician and surgeon, dentist, or podiatrist administer to himself or herself . . . any controlled
26 substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety
27 Code or any dangerous drug or dangerous device as defined in Section 4022.

28 "(b) Use any controlled substance as defined in Division 10 (commencing with

1 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
2 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
3 injurious to himself or herself, any other person, or the public or to the extent that such use
4 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
5 license. . . .”

6 9. Section 2764 of the Code provides, in pertinent part, that the expiration of
7 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
8 against the licensee or to render a decision imposing discipline on the license.

9 10. Section 125.3 of the Code provides, in pertinent part, that the Board may
10 request the administrative law judge to direct a licensee found to have committed a violation or
11 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
12 and enforcement of the case.

13 FIRST CAUSE TO REVOKE PROBATION

14 (Failure to Submit Quarterly Reports)

15 11. At all times after the effective date of Respondent's probation, Condition 5
16 stated in part: "Respondent, during the period of probation, shall submit or cause to be
17 submitted such written reports/declarations and verification of actions under penalty of perjury,
18 as required by the Board. These reports/declarations shall contain statements relative to
19 Respondent's compliance with all the conditions of the Board's Probation Program."

20 12. Respondent's probation is subject to revocation because she
21 violated Probation Condition 5, referenced above. The facts and circumstances regarding this
22 violation are as follows:

23 a. Respondent failed to submit a report for the July-September 2007
24 quarter, due October 7, 2007.

25 b. Respondent failed to submit a report for the October-December
26 2007 quarter, due January 7, 2008.

27 c. Respondent failed to submit a report for the January-March 2008
28 quarter, due April 7, 2008.

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1 consumption by any route of all controlled substances and all psychotropic (mood altering)
2 drugs, including alcohol, except when the same are ordered by a health care professional legally
3 authorized to do so as part of documented medical treatment.”

4 18. Respondent’s probation is subject to revocation because she violated
5 Probation Condition 16, referenced above. The facts and circumstances regarding this violation
6 are as follows:

7 a. On or about June 20 and July 23, 2007, and April 22, 2008,
8 Respondent tested positive for alcohol.

9 b. On or about March 13, March 25, May 27 and June 6, 2008,
10 Respondent tested positive for Propoxyphene.

11 c. On or about March 13, March 25, May 27 and June 10, 2008,
12 Respondent tested positive for Norpropoxyphene.

13 d. On or about March 25, April 22, May 6, June 6 and June 10, 2008,
14 Respondent tested positive for Opiates.

15 e. On or about April 22, May 6 and May 27, 2008, Respondent
16 tested positive for Hydromorphone.

17 f. On or about April 22, May 6, June 6 and June 10, 2008,
18 Respondent tested positive for Dihydrocodeine.

19 g. On or about May 27, 2008, Respondent tested positive for
20 Hydrocodone.

21 FIFTH CAUSE TO REVOKE PROBATION

22 (Failed to Comply With Drug Testing)

23 19. At all times after the effective date of Respondent’s probation, Condition
24 17 stated in part: “Respondent . . . shall participate in a random, biological fluid testing or a drug
25 screening program which the Board approves. . . . Any confirmed positive finding shall be
26 reported immediately to the Board . . . and Respondent shall be considered in violation of
27 probation. [¶][¶] If Respondent has a positive drug screen . . . and the Board files a petition to
28 revoke probation . . . , the Board may suspend Respondent from practice pending the final

1 decision on the petition to revoke probation [¶] If Respondent fails to participate in a
2 random, biological fluid testing or drug screening program within the specified time frame,
3 Respondent shall immediately cease practice and shall not resume practice until notified by the
4 Board. . . . [I]f the Board files a petition to revoke probation . . . , the Board may suspend
5 Respondent from practice pending the final decision on the petition to revoke probation”

6 20. Respondent’s probation is subject to revocation because she violated
7 Probation Condition 17, referenced above. The facts and circumstances regarding this violation
8 are as follows:

9 a. On or about June 20, 2007, Respondent tested positive to
10 alcohol.

11 b. On or about July 23, 2007, Respondent tested positive to alcohol.

12 c. On or about February 15, 2008, Respondent missed a test.

13 d. On or about March 13, 2008, Respondent tested positive to
14 Propoxyphene and Norpropoxyphene.

15 e. On or about March 25, 2008, Respondent tested positive to
16 Propoxyphene, Norpropoxyphene and Opiates.

17 f. On or about April 22, 2008, Respondent tested positive to alcohol,
18 Opiates, Hydromorphone and Dihydrocodeine.

19 g. On or about May 6, 2008, Respondent tested positive to Opiates,
20 Hydromorphone and Dihydrocodeine.

21 h. On or about May 27, 2008, Respondent tested positive to
22 Propoxyphene, Hydrocodone, Hydromorphone and Norpropoxyphene.

23 i. On or about June 6, 2008, Respondent tested positive to Opiates,
24 Propoxyphene and Dihydrocodeine.

25 j. On or about June 10, 2008, Respondent tested positive to Opiates,
26 Norpropoxyphene and Dihydrocodeine.

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1. Revoking the probation that was granted by the Board in Case No. 2005-88 and imposing the disciplinary order that was stayed thereby revoking Registered Nurse License No. 548726 issued to Respondent Diane Louise Cameron;

3. Taking such other and further action as deemed necessary and proper.

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Exhibit A

Decision and Order

Board of Registered Nursing Case No. 2005-88

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Diane Louise Cameron
16271 Jackson Drive
Fontana, CA 92336

Registered Nurse License No. 548726

Respondent

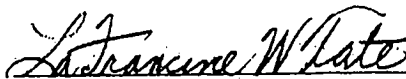
Case No. 2005-88

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on March 13, 2006.

IT IS SO ORDERED February 13, 2006.



Vice-President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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of the State of California
2 BARRY G. THORPE, State Bar No. 126422
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6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2005-88

11 DIANE LOUISE CAMERON
168 Clark Way
12 Vacaville, CA 95687

OAH No. L-2005030202

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

13 Registered Nurse License No. 548726

14 Respondent.
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17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing (Board). Complainant brought this action solely in her official
22 capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of
23 California, by Barry G. Thorpe, Deputy Attorney General.

24 2. Respondent Diane Louise Cameron Diane Louise Cameron (Respondent)
25 is representing herself in this proceeding and has chosen not to exercise her right to be
26 represented by counsel.

27 3. On or about October 8, 1998, the Board issued Registered Nurse License
28 No. 548726 to Respondent. The License was in full force and effect at all times relevant to the

1 charges brought in Accusation No. 2005-88 and will expire on September 30, 2006, unless
2 renewed.

3 JURISDICTION

4 4. Accusation No. 2005-88 was filed before the Board on November 9, 2004,
5 and is currently pending against Respondent. The Accusation and all other statutorily required
6 documents were properly served on Respondent on November 23, 2004. Respondent timely
7 filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2005-88 is
8 attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and
11 allegations in Accusation No. 2005-88. Respondent has also carefully read, and understands the
12 effects of this Stipulated Settlement and Disciplinary Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the
14 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
15 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
16 the right to present evidence and to testify on her own behalf; the right to the issuance of
17 subpoenas to compel the attendance of witnesses and the production of documents; the right to
18 reconsideration and court review of an adverse decision; and all other rights accorded by the
19 California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
21 each and every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in
24 Accusation No. 2005-88.

25 9. Respondent agrees that her Registered Nurse License is subject to
26 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the
27 Disciplinary Order below.

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1 **Criminal Court Orders:** If Respondent is under criminal court orders, including
2 probation or parole, and the order is violated, this shall be deemed a violation of these probation
3 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

4 2. **Comply with the Board's Probation Program.** Respondent shall fully
5 comply with the conditions of the Probation Program established by the Board and cooperate
6 with representatives of the Board in its monitoring and investigation of the Respondent's
7 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
8 within no more than 15 days of any address change and shall at all times maintain an active,
9 current license status with the Board, including during any period of suspension.

10 Upon successful completion of probation, Respondent's license shall be fully
11 restored.

12 3. **Report in Person.** Respondent, during the period of probation, shall
13 appear in person at interviews/meetings as directed by the Board or its designated
14 representatives.

15 4. **Residency, Practice, or Licensure Outside of State.** Periods of
16 residency or practice as a registered nurse outside of California shall not apply toward a
17 reduction of this probation time period. Respondent's probation is tolled, if and when she
18 resides outside of California. Respondent must provide written notice to the Board within 15
19 days of any change of residency or practice outside the state, and within 30 days prior to re-
20 establishing residency or returning to practice in this state.

21 Respondent shall provide a list of all states and territories where she has ever been
22 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
23 provide information regarding the status of each license and any changes in such license status
24 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
25 new nursing license during the term of probation.

26 5. **Submit Written Reports.** Respondent, during the period of probation,
27 shall submit or cause to be submitted such written reports/declarations and verification of actions
28 under penalty of perjury, as required by the Board. These reports/declarations shall contain

1 statements relative to Respondent's compliance with all the conditions of the Board's Probation
2 Program. Respondent shall immediately execute all release of information forms as may be
3 required by the Board or its representatives.

4 Respondent shall provide a copy of this Decision to the nursing regulatory agency
5 in every state and territory in which she has a registered nurse license.

6 **6. Function as a Registered Nurse.** Respondent, during the period of
7 probation, shall engage in the practice of registered nursing in California for a minimum of 24
8 hours per week for 6 consecutive months or as determined by the Board.

9 For purposes of compliance with the section, "engage in the practice of registered
10 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
11 work in any non-direct patient care position that requires licensure as a registered nurse.

12 The Board may require that advanced practice nurses engage in advanced practice
13 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
14 Board.

15 If Respondent has not complied with this condition during the probationary term,
16 and Respondent has presented sufficient documentation of her good faith efforts to comply with
17 this condition, and if no other conditions have been violated, the Board, in its discretion, may
18 grant an extension of Respondent's probation period up to one year without further hearing in
19 order to comply with this condition. During the one year extension, all original conditions of
20 probation shall apply.

21 **7. Employment Approval and Reporting Requirements.** Respondent
22 shall obtain prior approval from the Board before commencing or continuing any employment,
23 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
24 performance evaluations and other employment related reports as a registered nurse upon request
25 of the Board.

26 Respondent shall provide a copy of this Decision to her employer and immediate
27 supervisors prior to commencement of any nursing or other health care related employment.

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1 In addition to the above, Respondent shall notify the Board in writing within
2 seventy-two (72) hours after she obtains any nursing or other health care related employment.
3 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
4 terminated or separated, regardless of cause, from any nursing, or other health care related
5 employment with a full explanation of the circumstances surrounding the termination or
6 separation.

7 8. **Supervision.** Respondent shall obtain prior approval from the Board
8 regarding Respondent's level of supervision and/or collaboration before commencing or
9 continuing any employment as a registered nurse, or education and training that includes patient
10 care.

11 Respondent shall practice only under the direct supervision of a registered nurse
12 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
13 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
14 are approved.

15 Respondent's level of supervision and/or collaboration may include, but is not
16 limited to the following:

17 (a) Maximum - The individual providing supervision and/or collaboration is
18 present in the patient care area or in any other work setting at all times.

19 (b) Moderate - The individual providing supervision and/or collaboration is in
20 the patient care unit or in any other work setting at least half the hours Respondent works.

21 (c) Minimum - The individual providing supervision and/or collaboration has
22 person-to-person communication with Respondent at least twice during each shift worked.

23 (d) Home Health Care - If Respondent is approved to work in the home health
24 care setting, the individual providing supervision and/or collaboration shall have person-to-
25 person communication with Respondent as required by the Board each work day. Respondent
26 shall maintain telephone or other telecommunication contact with the individual providing
27 supervision and/or collaboration as required by the Board during each work day. The individual

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1 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
2 site visits to patients' homes visited by Respondent with or without Respondent present.

3 **9. Employment Limitations.** Respondent shall not work for a nurse's
4 registry, in any private duty position as a registered nurse, a temporary nurse placement agency,
5 a traveling nurse, or for an in-house nursing pool.

6 Respondent shall not work for a licensed home health agency as a visiting nurse
7 unless the registered nursing supervision and other protections for home visits have been
8 approved by the Board. Respondent shall not work in any other registered nursing occupation
9 where home visits are required.

10 Respondent shall not work in any health care setting as a supervisor of registered
11 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
12 nurses and/or unlicensed assistive personnel on a case-by-case basis.

13 Respondent shall not work as a faculty member in an approved school of nursing
14 or as an instructor in a Board approved continuing education program.

15 Respondent shall work only on a regularly assigned, identified and predetermined
16 worksite(s) and shall not work in a float capacity.

17 If Respondent is working or intends to work in excess of 40 hours per week, the
18 Board may request documentation to determine whether there should be restrictions on the hours
19 of work.

20 **10. Complete a Nursing Course(s).** Respondent, at her own expense, shall
21 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
22 than six months prior to the end of her probationary term.

23 Respondent shall obtain prior approval from the Board before enrolling in the
24 course(s). Respondent shall submit to the Board the original transcripts or certificates of
25 completion for the above required course(s). The Board shall return the original documents to
26 Respondent after photocopying them for its records.

27 **11. Cost Recovery.** Respondent shall pay to the Board costs associated with
28 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the

1 amount of \$9,362.25. Respondent shall be permitted to pay these costs in a payment plan
2 approved by the Board, with payments to be completed no later than three months prior to the
3 end of the probation term.

4 If Respondent has not complied with this condition during the probationary term,
5 and Respondent has presented sufficient documentation of her good faith efforts to comply with
6 this condition, and if no other conditions have been violated, the Board, in its discretion, may
7 grant an extension of Respondent's probation period up to one year without further hearing in
8 order to comply with this condition. During the one year extension, all original conditions of
9 probation will apply.

10 12. **Violation of Probation.** If Respondent violates the conditions of her
11 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
12 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
13 license.

14 If during the period of probation, an accusation or petition to revoke probation has
15 been filed against Respondent's license or the Attorney General's Office has been requested to
16 prepare an accusation or petition to revoke probation against Respondent's license, the
17 probationary period shall automatically be extended and shall not expire until the accusation or
18 petition has been acted upon by the Board.

19 13. **License Surrender.** During Respondent's term of probation, if she ceases
20 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
21 probation, Respondent may surrender her license to the Board. The Board reserves the right to
22 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
23 take any other action deemed appropriate and reasonable under the circumstances, without
24 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
25 will no longer be subject to the conditions of probation.

26 Surrender of Respondent's license shall be considered a disciplinary action and
27 shall become a part of Respondent's license history with the Board. A registered nurse whose

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1 license has been surrendered may petition the Board for reinstatement no sooner than the
2 following minimum periods from the effective date of the disciplinary decision:

3 (1) Two years for reinstatement of a license that was surrendered for any
4 reason other than a mental or physical illness; or

5 (2) One year for a license surrendered for a mental or physical illness.

6 14. **Physical Examination.** Within 45 days of the effective date of this
7 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
8 physician assistant, who is approved by the Board before the assessment is performed, submit an
9 assessment of the Respondent's physical condition and capability to perform the duties of a
10 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
11 medically determined, a recommended treatment program will be instituted and followed by the
12 Respondent with the physician, nurse practitioner, or physician assistant providing written
13 reports to the Board on forms provided by the Board.

14 If Respondent is determined to be unable to practice safely as a registered nurse,
15 the licensed physician, nurse practitioner, or physician assistant making this determination shall
16 immediately notify the Board and Respondent by telephone, and the Board shall request that the
17 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
18 shall immediately cease practice and shall not resume practice until notified by the Board.
19 During this period of suspension, Respondent shall not engage in any practice for which a
20 license issued by the Board is required until the Board has notified Respondent that a medical
21 determination permits Respondent to resume practice. This period of suspension will not apply
22 to the reduction of this probationary time period.

23 If Respondent fails to have the above assessment submitted to the Board within
24 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
25 practice until notified by the Board. This period of suspension will not apply to the reduction of
26 this probationary time period. The Board may waive or postpone this suspension only if
27 significant, documented evidence of mitigation is provided. Such evidence must establish good

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1 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
2 provided. Only one such waiver or extension may be permitted.

3 **15. Participate in Treatment/Rehabilitation Program for Chemical**
4 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
5 period or shall have successfully completed prior to commencement of probation a Board-
6 approved treatment/rehabilitation program of at least six months duration. As required, reports
7 shall be submitted by the program on forms provided by the Board. If Respondent has not
8 completed a Board-approved treatment/rehabilitation program prior to commencement of
9 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled
10 in a program. If a program is not successfully completed within the first nine months of
11 probation, the Board shall consider Respondent in violation of probation.

12 Based on Board recommendation, each week Respondent shall be required to
13 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g.,
14 Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and
15 directed by the Board. If a nurse support group is not available, an additional 12-step meeting or
16 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
17 such attendance to the Board during the entire period of probation. Respondent shall continue
18 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
19 mental health examiner and/or other ongoing recovery groups.

20 **16. Abstain from Use of Controlled Substances and Psychotropic (Mood-**
21 **Altering) Drugs.** Respondent shall completely abstain from the possession, injection or
22 consumption by any route of all controlled substances and all psychotropic (mood altering)
23 drugs, including alcohol, except when the same are ordered by a health care professional legally
24 authorized to do so as part of documented medical treatment. Respondent shall have sent to the
25 Board, in writing and within fourteen (14) days, by the prescribing health professional, a report
26 identifying the medication, dosage, the date the medication was prescribed, the Respondent's
27 prognosis, the date the medication will no longer be required, and the effect on the recovery
28 plan, if appropriate.

1 Respondent shall identify for the Board a single physician, nurse practitioner or
2 physician assistant who shall be aware of Respondent's history of substance abuse and will
3 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
4 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
5 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
6 condition. If any substances considered addictive have been prescribed, the report shall identify
7 a program for the time limited use of any such substances.

8 The Board may require the single coordinating physician, nurse practitioner, or
9 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
10 addictive medicine.

11 17. **Submit to Tests and Samples.** Respondent, at her expense, shall
12 participate in a random, biological fluid testing or a drug screening program which the Board
13 approves. The length of time and frequency will be subject to approval by the Board.
14 Respondent is responsible for keeping the Board informed of Respondent's current telephone
15 number at all times. Respondent shall also ensure that messages may be left at the telephone
16 number when she is not available and ensure that reports are submitted directly by the testing
17 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
18 to the Board by the program and Respondent shall be considered in violation of probation.

19 In addition, Respondent, at any time during the period of probation, shall fully
20 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
21 tests and samples as the Board or its representatives may require for the detection of alcohol,
22 narcotics, hypnotics, dangerous drugs, or other controlled substances.

23 If Respondent has a positive drug screen for any substance not legally authorized
24 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
25 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
26 from practice pending the final decision on the petition to revoke probation or the accusation.
27 This period of suspension will not apply to the reduction of this probationary time period.

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1 If Respondent fails to participate in a random, biological fluid testing or drug
2 screening program within the specified time frame, Respondent shall immediately cease practice
3 and shall not resume practice until notified by the Board. After taking into account documented
4 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
5 Board may suspend Respondent from practice pending the final decision on the petition to
6 revoke probation or the accusation. This period of suspension will not apply to the reduction of
7 this probationary time period.

8 **18. Mental Health Examination.** Respondent shall, within 45 days of the
9 effective date of this Decision, have a mental health examination including psychological testing
10 as appropriate to determine her capability to perform the duties of a registered nurse. The
11 examination will be performed by a psychiatrist, psychologist or other licensed mental health
12 practitioner approved by the Board. The examining mental health practitioner will submit a
13 written report of that assessment and recommendations to the Board. All costs are the
14 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
15 result of the mental health examination will be instituted and followed by Respondent.

16 If Respondent is determined to be unable to practice safely as a registered nurse,
17 the licensed mental health care practitioner making this determination shall immediately notify
18 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
19 office prepare an accusation or petition to revoke probation. Respondent shall immediately
20 cease practice and may not resume practice until notified by the Board. During this period of
21 suspension, Respondent shall not engage in any practice for which a license issued by the Board
22 is required, until the Board has notified Respondent that a mental health determination permits
23 Respondent to resume practice. This period of suspension will not apply to the reduction of this
24 probationary time period.

25 If Respondent fails to have the above assessment submitted to the Board within
26 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
27 practice until notified by the Board. This period of suspension will not apply to the reduction of
28 this probationary time period. The Board may waive or postpone this suspension only if

1 significant, documented evidence of mitigation is provided. Such evidence must establish good
2 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
3 provided. Only one such waiver or extension may be permitted.

4 19. **Therapy or Counseling Program.** Respondent, at her expense, shall
5 participate in an on-going counseling program until such time as the Board releases her from this
6 requirement and only upon the recommendation of the counselor. Written progress reports from
7 the counselor will be required at various intervals.

8 ACCEPTANCE

9 I have carefully read the Stipulated Settlement and Disciplinary Order. I
10 understand the stipulation and the effect it will have on my Registered Nurse License. I enter
11 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
12 and agree to be bound by the Decision and Order of the Board.

13 DATED: Sept. 20, 2005.

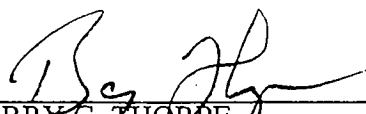
14
15 
16 DIANE LOUISE CAMERON
Respondent

17
18 ENDORSEMENT

19 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
20 submitted for consideration by the Board.

21 DATED: 12-12-05.

22 BILL LOCKYER, Attorney General
23 of the State of California

24 
25 BARRY G. THORPE
26 Deputy Attorney General

27 Attorneys for Complainant

Exhibit A
Accusation No. 2005-88

1 BILL LOCKYER, Attorney General
of the State of California
2 GLYNDA B. GOMEZ, State Bar No. 143448
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2542
5 Facsimile: (213) 897-2804
6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2005-88

12 DIANE LOUISE CAMERON
168 Clark Way
13 Vacaville, CA 95687

ACCUSATION

14 Registered Nurse License No. 548726

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about October 8, 1998, the Board of Registered Nursing issued
23 Registered Nurse License No. 548726 to Diane Louise Cameron (Respondent). The Registered
24 Nurse License was in full force and effect at all times relevant to the charges brought herein and
25 will expire on September 30, 2006 unless renewed.

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1 8. Section 2762 of the Code states:

2 "In addition to other acts constituting unprofessional conduct within the meaning
3 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed
4 under this chapter to do any of the following:

5 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
6 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
7 or administer to another, any controlled substance as defined in Division 10 (commencing with
8 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
9 defined in Section 4022.

10 "(b) Use any controlled substance as defined in Division 10 (commencing with
11 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
12 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
13 injurious to himself or herself, any other person, or the public or to the extent that such use
14 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
15 license."

16 9. Health and Safety Code section 11170 provides: "no person shall
17 prescribe, administer, or furnish a controlled substance for himself."

18 10. Health and Safety Code section 11173, subdivision (a) provides: "no
19 person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure
20 the administration of or prescription for controlled substances, (1) by fraud, deceit,
21 misrepresentation, or subterfuge; or (2) by the concealment of a material fact."

22 11. Health and Safety Code section 11364, states:

23 "It is unlawful to possess an opium pipe or any device, contrivance, instrument, or
24 paraphernalia used for unlawfully injecting or smoking (1) a controlled substance specified in
25 subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in
26 paragraph (14), (15), or (20) of subdivision (d) of Section 11054, specified in subdivision (b) or
27 (c) of Section 11055, or specified in paragraph (2) of subdivision (d) of Section 11055, or (2) a
28 controlled substance which is a narcotic drug classified in Schedule III, IV, or V.

12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

13. CONTROLLED SUBSTANCES

a. "Diazepam", generic for the brand name "Valium", a benzodiazepam derivative, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(8) and is categorized as a dangerous drug pursuant to section 4022 of the Code.

b. "Dilaudid", an Opium derivative, is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(k) and is categorized as a dangerous drug pursuant to section 4022 of the Code.

c. "Hydromorphone", is a Scheduled II controlled substance pursuant to Health and Safety Code section (b)(1)(K) and is categorized as a dangerous drug pursuant to Business and Professions Code 4022.

d. "Morphine", is a Scheduled II controlled substance pursuant to Health and Safety Code section 11055(b)(1)(M) and is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

14. DANGEROUS DRUGS

a. "Protonix", brand name for pantoprazole, is used to treat damage to the esophagus and is a dangerous drug pursuant to Business and Professions Code section 4022.

b. "Toradol", brand name for ketorolac tromethamine, a nonsteroidal anti-inflammatory drug, a potent NSAID analgesic, is a dangerous drug pursuant to Business and Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(Obtain or Possess Controlled Substances by Fraud or Deceit)

15. Respondent is subject to disciplinary action under section 2761, subdivision (a) on the grounds of unprofessional conduct as defined in Section 2762, subdivision (a), of the Code for violating Health and Safety Code section 11173, subdivision (a), in that while

1 working as a registered nurse at the Arrowhead Regional Medical Center, in Colton, California,
2 Respondent obtained Morphine, Dilaudid and Diazepam, controlled substances, by fraud or
3 deceit. The circumstances are as follows:

4 a. On November 27, 2002, at 1659 hours, Respondent withdrew Dilaudid
5 4mg. from the Pyxis machine for patient No. V00000414092. Respondent failed to chart the
6 administration in the patient's Medication Administration Record (MAR) and failed to document
7 the administration in the patient's Nurse's Notes. On November 27, 2002 at 1600 hours, another
8 nurse administered Dilaudid to patient V00000414092. Respondent failed to properly record
9 wastage or otherwise account for the Dilaudid 4mg. Respondent was not on duty on November
10 27, 2002.

11 b. On December 12, 2002, at 2114 hours, Respondent withdrew Dilaudid
12 4mg. from the Pyxis machine for patient No. V00000437331. Respondent failed to chart the
13 administration in the patient's MAR and failed to document the administration in the patient's
14 Nurse's Notes. Patient V00000437331 was discharged from the hospital on December 12, 2002,
15 at 1955 hours, one hour and 19 minutes before Respondent withdrew the medication.
16 Respondent failed to properly record wastage or otherwise account for the Hydromorphone 4mg.
17 Respondent was not on duty on December 12, 2002.

18 c. On December 14, 2002, at 1845 hours, Respondent withdrew Morphine
19 10mg. from the Pyxis machine for patient No. V00000448875. Respondent failed to chart the
20 administration in the patient's MAR and failed to document the administration in the patient's
21 Nurse's Notes. Respondent failed to properly record wastage or otherwise account for the
22 Morphine 10mg. Respondent was not on duty on December 14, 2002.

23 d. On December 14, 2002, at 1845 hours, Respondent withdrew Morphine
24 10mg. from the Pyxis machine for patient No. V00000437507. Respondent failed to chart the
25 administration in the patient's MAR and failed to document the administration in the patient's
26 Nurse's Notes. Respondent failed to properly record wastage or otherwise account for the
27 Morphine 10mg. The physician's order was for Morphine 10mg., which was administered by
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1 another nurse on December 14, 2002 at 1830 hours. Respondent was not on duty on
2 December 14, 2002.

3 e. On December 14, 2002, at 1845 hours, Respondent withdrew Morphine
4 10mg. from the Pyxis machine for patient No. V00000448816. Respondent failed to chart the
5 administration in the patient's MAR and failed to document the administration in the patient's
6 Nurse's Notes. Respondent failed to properly record wastage or otherwise account for the
7 Morphine 10mg. Respondent was not on duty on December 14, 2002.

8 f. On December 14, 2002, at 1851 hours, Respondent withdrew Morphine
9 PCA 30mg. from the Pyxis machine for patient No. V00000439495. Respondent failed to chart
10 the administration in the patient's MAR and failed to document the administration in the
11 patient's Nurse's Notes. Respondent failed to properly record wastage or otherwise account for
12 the Morphine PCA 30mg. The physician's order for patient No. V00000439495 was for
13 Darvocet N 100mg., MS PCA 30 mg., and Norco for pain. Respondent was not on duty on
14 December 14, 2002.

15 g. On December 14, 2002, at 1856 hours, Respondent withdrew Morphine
16 8mg. from the Pyxis machine for patient No. V00000450410. Respondent failed to chart the
17 administration in the patient's MAR and failed to document the administration in the patient's
18 Nurse's Notes. Respondent failed to properly record wastage or otherwise account for the
19 Morphine 8mg. The physician's order for patient No. V00000450410 was for Norco 5mg. for
20 pain. Respondent was not on duty on December 14, 2002.

21 h. On December 14, 2002, at 1900 hours, Respondent withdrew Dilaudid
22 4mg. from the Pyxis machine for patient No. V00000450442. Respondent failed to chart the
23 administration in the patient's MAR and failed to document the administration in the patient's
24 Nurse's Notes. Respondent failed to properly record wastage or otherwise account for the
25 Dilaudid 4mg. The physician's order for patient No. V00000450442 was for Hydrocodone
26 (Vicodin) for pain. Respondent was not on duty on December 14, 2002.

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1 FOURTH CAUSE FOR DISCIPLINE

2 (Use and/or Administer Controlled Substances to Oneself)

3 18. Respondent is subject to disciplinary action under section 2761,
4 subdivision (a), on the grounds of unprofessional conduct as defined in section 2762, subdivision
5 (b), of the Code for violating Health and Safety Code section 11170 in that Respondent used
6 and/or administered controlled substances to herself. Respondent admitted that she retained
7 wastage medication at work and injected herself with the medication. Respondent also admitted
8 to taking morphine from the Pyxis machine.

9 PRAYER


10 WHEREFORE, Complainant requests that a hearing be held on the matters herein
11 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse License No. 548726, issued to
13 Diane Louise Cameron.

14 2. Ordering Diane Louise Cameron to pay the Board of Registered Nursing
15 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
16 Professions Code section 125.3;

17 3. Taking such other and further action as deemed necessary and proper.

18
19 DATED: 11/9/04

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21 
22 RUTH ANN TERRY, M.P.H., R.N.
23 Executive Officer
24 Board of Registered Nursing
25 Department of Consumer Affairs
26 State of California
27 Complainant
28

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60054699.wpd/CML (08/23/2004
gcg-9/29/04 corrections
GBG:eyg(11-2-04)